

## Agency workers

### 1 . Working through an agency

If you're an agency worker, your contract is with the employment agency. They place you with a 'hiring organisation' (company) for an 'assignment' (period of work).

When you're on an assignment, the hiring organisation is responsible for directing your work.

An employment agency can also be called:

- a recruitment agency
- a temporary work agency
- a staffing company
- an employment business

[Find out about rights as an entertainment or modelling agency worker on GOV.UK](#)

### Checking your employment status

When you're working through an agency, it's important to know if you're classed as an 'employee' or a 'worker'.

It affects what you're entitled to and what your obligations are.

If you're self-employed and take on an assignment through an agency, this could mean you're classed as an employee or worker for the duration of the assignment.

[Check your employment status](#)

### What an employment agency must do

By law, there are certain responsibilities an employment agency has.

#### When you register with an agency

As soon as you apply to work with an employment agency, by law they must give you a 'key information document' with basic details on the:

- type of contract you'll have
- pay you'll receive

When you enter into a contract with the agency, by law they must give you a 'written statement of employment particulars' setting out the terms under which you'll work.

Find out more about:

- [written statements](#)
- [key information documents on GOV.UK](#)

## When you get work through the agency

Before offering you an assignment, the agency must:

- make sure you're suitable for the position, for example you have the relevant experience, training or qualifications
- check you have the right to work in the UK
- ask you to do a criminal record check and provide a Disclosure and Barring Service (DBS) certificate, for certain jobs

[Find out about Disclosure and Barring Service checks on GOV.UK](#)

When the agency offers you an assignment, at the same time they must give you details including:

- the name of the hiring organisation and the nature of its business
- your start date and how long the assignment is likely to be for
- details of the position and type of work
- the location
- your working hours
- any risks to health and safety and how the hiring organisation will protect you from these
- what experience and training you need
- the rate of pay and any other benefits offered by the hiring organisation
- whether you can claim any expenses

By law, these details must be given to you in writing either:

- when they offer you the assignment
- within 3 working days if they told you verbally to start with

## Agency fees and charges

An employment agency must not charge you a fee to register with them or to find you assignments.

This is except for entertainment and modelling agencies, who can charge you for finding you work.

Employment agencies might offer other services for a fee, such as:

- help with your CV
- training courses
- transport
- accommodation
- Disclosure and Barring Service checks

If the agency does charge a fee for these other services, they must not:

- pressure you
- treat you unfairly if you do not agree to pay for any
- say they'll only find you work if you agree to pay for these services

If they do charge you, you should be able to cancel and get your money back, if you give the following notice:

- 10 working days for living accommodation
- 5 working days for all other services

If you think you've been charged a fee unfairly, you can [report the agency to the Employment Agency Standards Inspectorate \(EAS\) on GOV.UK](#).

## Umbrella companies

Your employment agency might use an 'umbrella company' for processing your timesheets and pay.

If you're self-employed and do not have a limited company, you might use an umbrella company to process your pay when you get an assignment through an agency.

The umbrella company:

- acts as your employer and the employment agency is their 'client'
- sends an invoice to the employment agency for your pay
- uses the PAYE system to make relevant deductions and pay you the rate you agreed with the employment agency
- charges a fee for their service to you or the employment agency – whoever made the arrangement with them

If you have this arrangement, you would usually be classed as an employee of the umbrella company.

## 2. Your employment rights from the start

When you start working for an agency you have rights straight away. For example:

- protection against discrimination
- National Minimum Wage entitlement
- a minimum of 5.6 weeks' holiday entitlement
- work hours and rest breaks
- sick leave
- finding out about vacancies at the hiring organisation

## Protection from discrimination

You have the same protections from discrimination as other workers and employees.

You must not be discriminated against because of a 'protected characteristic'. The agency, hiring organisation and their staff could all be held liable.

[Find out more about discrimination and the law](#)

## Pay rights

As an agency worker, you have the same rights as other employees and workers to:

- be paid at least the National Minimum Wage or National Living Wage
- not have any unlawful deductions from your pay

- be paid on time and by the agreed method
- receive payslips

Your pay may vary from assignment to assignment, so it's a good idea to make sure:

- you agree to your pay rate before an assignment begins
- you're not going to get less than the rate agreed in your terms and conditions or contract

Agencies usually provide timesheets. If they do not, it's their responsibility to pay you for your hours worked. It's still a good idea to keep your own record of your working hours.

If you're not receiving at least [National Minimum Wage or National Living Wage](#), you should try to resolve the issue with your agency first. If it cannot be resolved informally, you can either:

- [report to HMRC on GOV.UK](#)
- make a claim to an [employment tribunal](#)

## Delays in pay

An agency is only allowed to delay a payment for a reasonable amount of time when they need to confirm hours you worked.

If the agency has problems getting payment from the hiring organisation, they must still pay you on time.

## Holiday rights

You have the same right as other workers and employees to a minimum of 5.6 weeks' paid holiday each 'leave year' when you're on an assignment.

The leave year is how an employer works out how much holiday a year you're entitled to and when you should take it by. When you're an agency worker, the leave year usually runs from the date you started your assignment.

You 'accrue' (build up) holiday entitlement from the first day of your assignment.

You also have the right to get paid for any holiday you've not taken if you leave the agency.

## Asking for holiday

Your agency might need an amount of notice when you ask to take holiday, so it's a good idea to check. Even if they do not, you should give them notice that's at least twice the amount of holiday you want.

For example, if you want to take 1 week of holiday, you should ask your agency at least 2 weeks before you want your holiday to start.

This is so there's enough time for them to arrange cover for your work, if necessary.

Agencies can refuse a holiday request but they must allow you to take it at another date. You must take your statutory holiday entitlement in each leave year.

[Find out more about asking for and taking holiday](#)

## Irregular hours workers and part-year workers

There are different rules about holiday for irregular hours workers and part-year workers. The rules apply to leave years starting on or after 1 April 2024.

Someone is an irregular hours worker if, under their contract in that year, the number of hours they work in each 'pay period' is wholly or mostly variable. A pay period is how often someone gets paid, for example, weekly or monthly.

Someone is a part-year worker if their contract:

- says they are required to work only part of that year
- says there are periods of at least a week when they are not required to work and which they are not paid for
- is in place all year around, including when they're not working

[Find out more about holiday for irregular hours workers and part-year workers](#)

## Work hours and rest breaks

You have the same rights as other workers and employees to:

- work no more than an average of 48 hours a week
- choose to work more by 'opting out' of the 48-hour week
- a minimum 20-minute rest break if you work more than 6 hours
- 11 hours' solid rest in any 24-hour period
- 1 day off work each week

[Find out more about rules on working hours and rest breaks](#)

## Sick leave and pay

You have the same right as other workers and employees to:

- not work when you're too ill
- get statutory sick pay, if you're eligible for it

[Check your eligibility for statutory sick pay on GOV.UK](#)

Your agency and hiring organisation might have set out in a written agreement or policy how and when you need to contact them if you cannot work. If not, you should tell them the reason as soon as possible and how long you're likely to be off sick for.

Agency workers are not entitled to the same amount of sick pay as direct employees of the hiring organisation at any point.

## Permanent work

The hiring organisation must allow you to find out about job vacancies in the same way as their direct employees.

If the hiring organisation wants to employ you as a permanent employee, by law your agency must not stop this.

The agency might be able to charge a fee to the hiring organisation in some cases, but it must not charge you.

## Detriment related to health and safety

An employer must not cause you 'detriment' because you:

- reasonably believe being at work or doing certain tasks would put you in serious and imminent danger
- take reasonable steps over a health and safety issue, for example complaining about unsafe working conditions

- inform your employer about your health and safety issue in an appropriate way

Detriment means you experience one or both of the following:

- being treated worse than before
- having your situation made worse

Examples of detriment could be:

- you experience [bullying](#)
- you experience [harassment](#)
- your employer turns down your training requests without good reason
- you are overlooked for promotions or development opportunities
- your employer reduces your hours without good reason

If you are an employee, you could have a case for [automatically unfair dismissal](#) if you're dismissed in these circumstances.

## Using shared facilities

From the first day of an assignment, you have the same right as direct employees of the hiring organisation to use any shared facilities and services. This includes:

- the canteen or food and drinks machines
- childcare services, for example a creche
- car parking or transport services

## Ending assignments and dismissal

You and the hiring organisation do not have to give any notice to end an assignment early. This is unless it's clearly written in your contract or assignment information.

You should tell your agency if you want to end the assignment.

If you want to leave the agency, check the contract or written agreement. Usually you need to tell them in writing.

An agency can usually 'dismiss' you without notice or reason unless:

- your contract says otherwise
- you're an employee of the agency and have been employed for at least 1 month

## Going through a disciplinary procedure

Agencies should have rules and procedures for dealing with disciplinary issues.

The agency is likely to stop finding you work if they get reports of misconduct or poor performance.

If you're an employee, the agency should follow a disciplinary procedure to investigate the alleged misconduct or poor performance.

[Find out more about disciplinary procedures](#)

Related content

[/payslips](#)

### 3. Your employment rights after 12 weeks

Once you've worked on the same 'assignment' (period of work) at the same 'hiring organisation' (company) for 12 weeks, you get more rights. This is called the '12-week minimum qualifying period' under the law.

The rights cover:

- the right to same pay
- the right to same holiday
- the right to the same working patterns and rest breaks
- time off for 'antenatal' (pregnancy) and adoption appointments

#### The 12-week qualifying period

A week counts as any 7 days that you work in, from the day your assignment began.

For example, an assignment begins on a Wednesday and you work 3 of the days up to the following Tuesday. This counts as a week towards the 12-week qualifying period.

A week still counts towards the 12-week qualifying period if you do not work because of:

- pregnancy, childbirth or maternity from the start of your pregnancy to 26 weeks after birth, or your return to work – whichever is earliest
- maternity leave
- paternity leave
- adoption leave
- shared parental leave

For example, you're on a 1-year assignment and you're pregnant. You've been working for 8 weeks when you call in sick with a pregnancy-related illness. Any weeks you're off sick with that illness will still count towards your 12-week qualifying period.

A week does not count towards the 12-week qualifying period if:

- the total break you have between 2 periods of work is no more than 6 weeks
- you're absent due to sickness or jury service for 28 weeks or less
- you take any of your holiday entitlement
- the workplace shuts down, for example for Christmas or industrial action

Your 12-week qualifying period will start again if you:

- go back to the same assignment after a break of more than 6 weeks – unless it is due to any of the reasons listed above
- go back to the same role after 28 weeks' absence due to sickness or jury service
- start a new assignment with a new hiring organisation
- start a new role with the same hiring organisation – this role must be 'substantively different'

Under the Agency Workers Regulations 2010, agencies are not allowed to create patterns of assignments that stop you reaching the 12-week qualifying period.

#### The right to the same pay

After you've reached the 12-week qualifying period, you're entitled to the same rate of pay as direct employees of the hiring organisation. Under the law this is called 'the right to equal treatment to pay'.

The right to equal treatment to pay includes:

- basic pay
- holiday pay that's more than the legal minimum
- individual performance-related bonuses
- commission
- overtime pay
- allowances for working shifts or unsociable hours

The right does not include:

- bonuses linked solely to company performance or to reward long-term loyalty
- expenses
- enhanced maternity, paternity, adoption pay, shared parental pay and parental bereavement pay
- company pension schemes
- redundancy pay
- sick pay that's more than statutory sick pay (SSP)
- guarantee payments
- season ticket loans
- paid time off for trade union duties

## Changes to the law on the right to the same pay

Before 6 April 2020, some agencies might have arranged to pay an agency worker between assignments to stop them getting the right to the same pay. This is known as 'derogating from the right to equal treatment to pay'.

However on 6 April 2020 the law changed so that:

- these contracts are no longer valid
- the agency worker can still make a complaint about such a contract, even if they received it from the employer before 6 April 2020
- the agency can still offer an agency worker a permanent employment contract and pay between assignments, but the agency worker will be entitled to equal treatment to pay after 12 weeks

## The right to the same holiday

After the 12-week qualifying period, you have the right to the same amount of holiday and holiday pay as direct employees of the hiring organisation.

If the employer gives holiday above the legal minimum of 5.6 weeks, you can choose how you want to use it. You can either:

- add it to your holiday entitlement
- get paid for it on top of your hourly or daily pay rate and clearly itemised on each payslip
- get paid for it in one go at the end of your assignment and clearly itemised on your final payslip

## The right to same working patterns and rest breaks

After the 12-week qualifying period, you also have the right to the same working patterns and rest breaks as direct employees of the hiring organisation. This includes any entitlement to longer lunch breaks or other breaks.

[Find out more about rules on working hours and rest breaks](#)

## Pension rights

Employment agencies must automatically enrol all their agency workers into a pension scheme within 3 months of the start of a contract.

If you do not want to be enrolled into the agency's pension scheme, you must tell the agency and the pension provider you want to opt out of the scheme.

[Find out more about pension schemes and rules from The Pensions Regulator](#)

## Parental rights

Agency workers have the right to:

- not be treated unfairly because of pregnancy or maternity
- paid time off for antenatal appointments when pregnant, after reaching the 12-week qualifying period
- unpaid time off to attend antenatal appointments with a partner who's pregnant
- paid time off to attend up to 5 adoption appointments – this is for a single adopter or the primary adopter in a couple
- unpaid time off to attend 2 adoption appointments – this is for the partner of a primary adopter

If you do not have employee status, you're not entitled to:

- maternity leave
- paternity leave
- adoption leave
- shared parental leave
- neonatal care leave
- parental bereavement leave

You can still stop working to care for your child. But you need to tell your agency the dates you cannot work.

While off caring for your child, you might be entitled to one of the following:

- statutory maternity pay
- Maternity Allowance
- statutory paternity pay
- statutory adoption pay
- statutory shared parental pay
- statutory neonatal care pay

[Find out more about time off for care and support](#)

## Pregnancy and agency work

Your hiring organisation must carry out a risk assessment for you when you tell them in writing that:

- you're pregnant
- you've given birth within the last 6 months
- you're breastfeeding

They should review the risk assessment regularly.

By law, agency workers must not be treated differently to other workers.

If there is a health and safety risk to you or your unborn baby, your hiring organisation must remove it.

If it's not possible to remove the health and safety risk to you or your unborn baby, your hiring organisation must tell your agency.

Your agency must either:

- find you another suitable assignment
- suspend you on full pay for the length of your original assignment

Under the Employment Rights Act 1996 and the Agency Workers Regulations 2010, you would usually need to meet the 12-week qualifying period to be entitled to a different assignment or suspension on full pay.

If your agency finds you other suitable work but you refuse it without a valid reason, they do not have to pay you.

If you're unsure about your health and safety rights as an agency worker and you've just had a baby or are pregnant, you might need to consider [getting legal advice](#).

Find out more from the Health and Safety Executive (HSE) on health and safety rights for:

- [agency workers](#)
- [new mothers and pregnant workers](#)

## 4. If there's a problem with the agency

If you have a problem with an employment agency, it's a good idea to try and resolve it informally to start with.

If you have tried this or it's not possible, you can make a formal complaint to the agency. By law, they only have to consider complaints made by employees, but it's good practice for them to consider complaints from workers too.

You should put your complaint in writing to the agency. This could be in a letter or email.

The agency should have a complaints procedure that includes:

- holding a meeting to hear the complaint
- allowing you to bring someone you work with or a trade union representative to the meeting
- trying to find a way to resolve the problem

If the agency is a member of a trade body, you could also consider making a formal complaint to them. For example, if the agency is a member of the [Recruitment and Employment Confederation \(REC\)](#), you could make a complaint to them.

## Making a claim to an employment tribunal

If the agency or hiring organisation have refused you a right under the Agency Workers Regulations 2010, or treated you unfairly after you asked for something you have a right to, you can make a claim to an [employment tribunal](#).

If you're legally classed as an employee and are dismissed for asserting a right, this automatically counts as [unfair dismissal](#).

If you're not receiving at least [National Minimum Wage or National Living Wage](#), you can either:

- [report to HMRC on GOV.UK](#)
- [make a claim to an employment tribunal](#)

## Reporting the agency

The Employment Agency Standards Inspectorate (EAS) enforces certain regulations and can investigate if the agency:

- is refusing to pay what you're owed
- charges a fee to find you work
- does not tell you they're going to charge you for extra services or uniforms
- charges you a fee for you to become directly employed by a hiring organisation
- is getting an umbrella company to pay you without telling you who the company is, services they provide and details of fees

The Employment Agency Standards Inspectorate is a regulator of agencies, so they can investigate the agency but might not be able to recover lost money for you.

To make a complaint to the Employment Agency Standards Inspectorate:

- [use the pay and work rights complaints form on GOV.UK](#)
- [contact the Acas helpline](#)